

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**MICHELLE ROSENFELD and
HERBERT ROSENFELD**

Plaintiff(s)

vs.

**EDEN FARMS, JAMES GASTON,
GAST HOUSE LLC., and
200 EAST 75TH STREET REALTY**

Defendant(s)

Civil Action No.: 07CV3347(DC)

: ECF CASE

**AFFIDAVIT IN SUPPORT OF
REQUEST TO ENTER
DEFAULT**

Gerald H. Baker, Esq., an attorney at law of the State of New York, upon his oath deposes and says:

1. I am the attorney for the plaintiffs and I am familiar with the facts of this litigation.

2. On April 26, 2007, the plaintiffs filed this Complaint in the United States District Court for the Southern District of New York.

3. The plaintiffs served the Summons and Complaint on each of the defendants, as follows:

Eden Farms - May 17, 2007

James Gaston - May 18, 2007

Gast House, LLC - May 18, 2007

200 East 75th Street Realty - May 18, 2007

4. Pursuant to F.R. Civ. P 12, a defendant shall serve an answer or otherwise plead within 20 days after being served with the summons and complaint.

5. The defendants have failed to plead or otherwise defend as provided by the Rules.

6. Wherefore, pursuant to Rule 55 (a), the plaintiffs request the Clerk to enter default against the defendants, Eden Farms, James Gaston, Gast House, LLC and 200 East 75th Street Realty.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

BAKER, PEDERSEN & ROBBINS
1 Newark Street
Hoboken, New Jersey 07030
Attorneys for Plaintiff(s)

BY: _____

GERALD H. BAKER (GHB1914)

Dated: August 16, 2007